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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

EX PARTE J. GEORG BEDNORZ AND C. ALEXANDER MUELLER

In re Appeal in Patent Application	:	
Serial No.: 07/053,307	:	Art Unit: 115
Filed: 22 May 1987	:	Examiner: John Boyd
For: NEW SUPERCONDUCTIVE COMPOUNDS	:	
HAVING HIGH TRANSITION	:	
TEMPERATURE, AND METHODS FOR	:	
THEIR USE AND PREPARATION	:	

WITHDRAWAL OF APPEAL

The appellants by their attorneys hereby withdraw the appeal dated 28 October 1991 of the decision of the Primary Examiner finally rejecting claims 1 through 11 inclusive, claims 27 through 35 inclusive, claims 40 through 54 inclusive, claims 60 through 63 inclusive, and 65 through 68 inclusive of the patent application identified above in favor of a file-wrapper-continuing divisional application submitted simultaneously herewith. A Petition and Fee for Extension of Time through 28 April 1992 to file an Appellants' Brief was filed on 23 April 1992. A copy of the

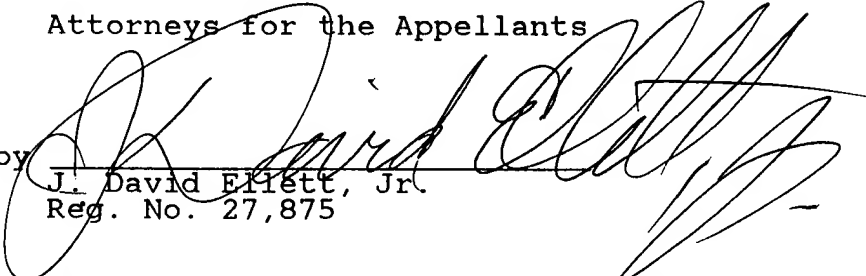
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request for filing a file-wrapper-continuing divisional application under 37 CFR 1.62 is attached to the present letter withdrawing the appeal.

Respectfully submitted,

Attorneys for the Appellants

by


J. David Eliett, Jr.
Reg. No. 27,875

IBM Thomas J. Watson Research Center
Intellectual Property Law Department
P.O. Box 218
Yorktown Heights, N.Y. 10598

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24 April 1992



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application:
Examiner: John Boyd
Art Unit: 115

REQUEST FOR FILING A FILE-WRAPPER-CONTINUING DIVISIONAL
APPLICATION UNDER 37 CFR 1.62

Commissioner of Patents and Trademarks
Box FWC
Washington, D.C. 20231

Sir:

This is a request for filing a file-wrapper-continuing divisional application under 37 CFR 1.62 of pending prior application Serial No. 07/053,307, filed on 22 May 1987, entitled "NEW SUPERCONDUCTIVE COMPOUNDS HAVING HIGH TRANSITION TEMPERATURE, AND METHODS FOR THEIR USE AND PREPARATION" on behalf of Johannes Georg Bednorz, Herschaerenstrasse, CH-8633 Wolfhausen, Switzerland and Carl Alexander Mueller, Haldenstrasse 54, CH-8908 Hedingen, Switzerland.

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

An appeal dated 28 October 1991 of a decision finally rejecting claims 1 through 11, claims 27 through 35 inclusive, claims 40 through 54 inclusive, claims 60 through 63 inclusive, and 65 through 68 inclusive of the parent

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application is being withdrawn in favor of the present file-wrapper-continuing divisional application. A Petition and Fee for an Extension of Time through 28 April 1992 to file an Appellant's Brief was filed in the parent application on 23 April 1992. A notice of Withdrawal of Appeal is being submitted to the Board of Patent Appeals and Interferences.

The title of the application and the applicants are to be the same in the present divisional application as in the prior application identified above.

Cancel without prejudice claims 1 through 23 inclusive, 27 through 85 inclusive, and 91 through 95 inclusive of the prior application before calculating the filing fee. The applicants hereby expressly reserve the right to prosecute any or all of the claims listed in the preceding sentence in one or more continuation, divisional or other continuing application.

The filing fee is calculated below on the basis of the claims remaining in the prior application and thirteen new claims added by a preliminary amendment submitted with the present request.

CLAIMS AS FILED				
Number Filed	Number Extra		Rate	Basic Fee \$ 690.00
Total Claims	21	- 20= 1	x \$ 20.00	\$ 20.00
Independent Claims	5	- 3= 2	x \$ 72.00	\$ 144.00
Multiple dependent claim(s), if any		0	x \$220.00	\$ 0.00
Filing fee calculation				\$ 854.00 -----

The Commissioner is hereby authorized to charge Deposit Account No. 09-0468 in the amount of \$ 854.00 for the filing fee, and for any additional fees under 37 CFR 1.16 and 1.17 which may be required, and to credit any overpayment to the Deposit Account No. 09-0468. Duplicate copies of this request are attached.

Please amend the specification by inserting before the first line the sentence: -- This application is a division of application Serial No. 07/053,307, filed 22 May 1987, now abandoned. --

The prior application has been assigned of record to International Business Machines Corporation of Armonk, New York 10504.

Priority has been claimed in the prior application under 35 U.S.C. Section 119 to European patent application Serial No. 87100961.9 filed on 23 January 1987. A certified copy of the European priority application was filed in the prior application on 23 April 1992. Reference may be made to the Claim to Priority Under 35 U.S.C. Section 119 and to the Information Disclosure Statement filed in the parent case on 23 April 1992 for an explanation of a difference in the designation of inventors in the European priority application and in the United States case.

The power of attorney in a Declaration and Power of Attorney for Patent Application filed on 17 July 1987 in the prior application was to: Frank Chadurjian (Reg. No. 19,400), Maurice Klitzman (Reg. No. 16,846) and Jackson E. Stanland (Reg. No. 24,444). In a supplemental Declaration and Power of Attorney for Patent Application filed on 23 April 1992, power of attorney was additionally granted by the applicants to John A. Jordan (Reg. No. 24,655), Jeffrey L. Brandt (Reg.

No. 31,490), Joseph A. Biela (Reg. No. 30,157), John D. Crane (Reg. No. 25,231), William Ellis (Reg. No. 26,874), and J. David Ellet, Jr. [sic.] (Reg. No. 27,875). J. David Ellett, Jr. (Reg. No. 27,875) was also appointed an associate attorney in the prior application in an Appointment of Associated Attorney filed on 8 February 1991.

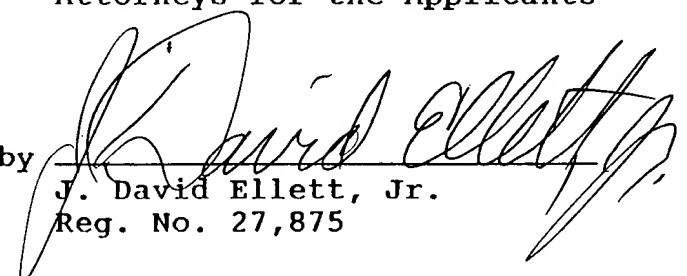
Please address all future communications to J. David Ellett, Jr., IBM Corporation, Intellectual Property Law Dept., P. O. Box 218, Yorktown Heights, New York 10598.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

Respectfully submitted,

Attorneys for the Applicants

by


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24 April 1992